

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.21755 of 2019

Arising Out of PS. Case No.-603 Year-2018 Thana- BAGHA District- West Champaran

1. LALLAN YADAV, 40 Years, Male, S/o Late Jag Yadav
2. Mahavir Yadav, 30 Years, Male, S/o Late Jagdish Yadav, both are residents of village- Parar Khap, P.S.- Bhairoganj, District- West Champaran

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party : Mr. Nand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 09-04-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody in connection with Bagaha P.S. Case No. 603 of 2018 for the offences alleged under Sections 420, 419, 272 and 272 of the Indian Penal Code and under Section 30(A) Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that illicit liquor is being carried in a motorcycle, the motorcycle was intercepted and the petitioners were apprehended. On search, in a jute bag 87.500 liters of country made liquor was recovered and the motorcycle was also alleged to be a stolen one.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case due to high handedness of the police. It is, further, submitted that charge



sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses and the petitioners are languishing in judicial custody since 11.12.2018.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegation, the period of custody and that charge sheet has already been submitted as well as coupled with the fact that the petitioners do not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Bagaha P.S. Case No. 603 of 2018 to the satisfaction of the learned Special Judge, Excise, West Champaran at Bettiah, subject to the condition that one of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship with the petitioner(s).

(Nilu Agrawal, J)

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